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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,927	12/09/2003	Darrel Robert Slowski	DWE/SLOWSKI	2425

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EXAMINER

ROYAL, PAUL

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,927

Applicant(s)

SLOWSKI, DARREL ROBERT

Examiner

Paul Royal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-2, 4-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman (5,516,387) in view of Balekjian (US 4,016,450).

Hoffman teaches an illuminated sign including:

a housing (10) for attachment to a support surface;
a phosphorescent screen (12) having a useful area;
substantially opaque indicia means (18/20) mounted on said screen; and
electrical energizing/supply means (14) connected to the screen for applying a predetermined voltage to the screen in energizing relation therewith to illuminate the indicia means, whereby the indicia are identifiable for remote viewing when the screen is energized.

Hoffman does not teach including switch means/light responsive cut-out means

Balekjian teaches a phosphorescent display system including switch means/light responsive cut-out means (30) in controlling relation with said supply means, to enable operation of a display panel (10) under predetermined ambient light conditions and which disconnects the electrical energizing/supply means from the screen when ambient light exceeds a predetermined threshold, where the switch means/light

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responsive cut-out means includes a photocell which is in an open circuit condition on exposure to ambient light of predetermined intensity, see column 3, lines 13-33, to provide a novel display device including a system for cyclically recharging the luminous material of the device.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the illuminated sign of Hoffman to include switch means/light responsive cut-out means in controlling relation with said supply means, to enable operation of a display panel under predetermined ambient light conditions and which disconnects the electrical energizing/supply means from the screen when ambient light exceeds a predetermined threshold, where the switch means/light responsive cut-out means includes a photocell which is in an open circuit condition on exposure to ambient light of predetermined intensity, as taught by Balekjian, to provide a novel display device including a system for cyclically recharging the luminous material of the device.

Note the lamp (12) of Hoffman comprises a phosphorous coated layer and electrodes which is understood to anticipate applicant's screen because the lamp presents the same structure as applicant's screen.

Note, Balekjian teaches the switch means/light responsive cut-out means (30) maybe a photocell.

Note the distance range at which the indicia are individually readable is a function of the visual acuity of the viewer and is given little patentable weight.

Note the screen area dimensions, height dimensions of the indicia, and the number of indicia that can be accommodated on the screen are not functionally related

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to the screen as recited and does not distinguish the instant invention from the prior art in terms of patentability.

For claim 1, it would have been an obvious design choice to include the phosphorescent screen having a useful area in excess of twenty square inches to utilize the available vehicle window space.

For claim 4, it is inherently understood the voltage from the electrical energizing mean which is applied to the screen will be less than the rated voltage of the screen because applying voltage in excess of the rated screen voltage may damage the screen or cause it operate improperly, if at all.

For claims 1, 5 and 13, where applicant recites the phosphorescent screen has a light toned colour and the opaque indicia means is darkened coloured to provide a readily visible contrast under external illumination for easy legibility, Hoffman anticipates these limitations where Hoffman teaches opaque black indicia symbols (20) contrasting the indicia against the screen (12), the indicia having a proscribed thickness, see column 2, lines 61 to column 3, line 2, as an alternative to the indicia being a cut-out which is also disclosed by Hoffman. It is understood that in a contrasting-color relationship the screen will have a relatively lighter toned color than the opaque black indicia symbols in order for the symbols to be visible.

2. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman in view of Balekjian., as applied to 1, in view of Tanaka et al. (US 5,759,671).

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Hoffman in view of Balekjian., as applied to 1, teaches a luminescent display for use in illuminating identification indicia having the claimed limitations except including ultra violet masking means.

Tanaka et al. teaches an ultraviolet luminescent retroreflective sheeting (5) which limits the adverse effects of ultraviolet rays impinging on the screen, to provide markings such as road signs and number plates to enable the transmission of accurate information.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the luminescent display for use in illuminating identification indicia of Hoffman in view of Balekjian., as applied to 1, to include an ultraviolet luminescent retro-reflective sheeting which limits the adverse effects of ultraviolet rays impinging on the screen, as taught by Tanaka et al., to provide markings such as road signs and number plates to enable the transmission of accurate information.

3. Claims 1-2, 4-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrold (US 3,188,761) in view of Balekjian (US 4,016,450).

Harrold teaches an illuminated sign including:

a housing (36) for attachment to a support surface;

a phosphorescent screen (24) having a useful area;

substantially opaque indicia means (26) mounted on said screen; and

electrical energizing/supply means (70) connected to the screen for applying a predetermined voltage to the screen in energizing relation therewith to illuminate the

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indicia means, whereby the indicia are identifiable for remote viewing when the screen is energized.

Harrold does not teach including switch means/light responsive cut-out means. Balekjian teaches a phosphorescent display system including switch means/light responsive cut-out means (30) in controlling relation with said supply means, to enable operation of a display panel (10) under predetermined ambient light conditions and which disconnects the electrical energizing/supply means from the screen when ambient light exceeds a predetermined threshold, where the switch means/light responsive cut-out means includes a photocell which is in an open circuit condition on exposure to ambient light of predetermined intensity, see column 3, lines 13-33, to provide a novel display device including a system for cyclically recharging the luminous material of the device.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the illuminated sign of Harrold to include switch means/light responsive cut-out means in controlling relation with said supply means, to enable operation of a display panel under predetermined ambient light conditions and which disconnects the electrical energizing/supply means from the screen when ambient light exceeds a predetermined threshold, where the switch means/light responsive cut-out means includes a photocell which is in an open circuit condition on exposure to ambient light of predetermined intensity, as taught by Balekjian, to provide a novel display device including a system for cyclically recharging the luminous material of the device.

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Note, Balekjian teaches the switch means/light responsive cut-out means (30) maybe a photocell.

Note, Harrold specifically teaches the illuminated panel contains a layer of ceramic material containing electroluminescent phosphorous which is understood to present a phosphorus screen, see column 2, line 70 to column 3, line 18.

Note the distance range at which the indicia are individually readable is a function of the visual acuity of the viewer and is given little patentable weight.

Note the screen area dimensions, height dimensions of the indicia, and the number of indicia that can be accommodated on the screen are not functionally related to the screen as recited and does not distinguish the instant invention from the prior art in terms of patentability.

For claim 1, it would have been an obvious design choice to include the phosphorescent screen having a useful area in excess of twenty square inches to utilize the available house wall space.

For claim 4, it is inherently understood the voltage from the electrical energizing mean which is applied to the screen will be less than the rated voltage of the screen because applying voltage in excess of the rated screen voltage may damage the screen or cause it operate improperly, if at all.

For claims 1, 5 and 13, where applicant recites the phosphorescent screen has a light toned colour and the opaque indicia means is dark coloured to provide a readily visible contrast under external illumination for easy legibility, Harrold anticipates these limitations where Harrold teaches a contrasting relationship the between the illuminated

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panel/plate/screen and indicia in which the indicia/symbols are opaque/black or dark and contrast against the illuminated panel/plate/screen. The contrasting relationship means one element is lighter or darker than the other and in this case the given that Harold teaches that the indicia/symbols are opaque/black or dark, it is understood the illuminated panel/plate/screen has a relatively lighter toned color than the indicia/symbols in order for the symbols to be visible and to provide the disclosed contrasting relationship.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harrold in view of Balekjian., as applied to 1, in view of Tanaka et al. (US 5,759,671).

Harrold in view of Balekjian., as applied to 1, teaches a luminescent display for use in illuminating identification indicia having the claimed limitations except including ultra violet masking means.

Tanaka et al. teaches an ultraviolet luminescent retroreflective sheeting (5) which limits the adverse effects of ultraviolet rays impinging on the screen, to provide markings such as road signs and number plates to enable the transmission of accurate information.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the luminescent display for use in illuminating identification indicia of Harrold in view of Balekjian., as applied to 1, to include an ultraviolet luminescent retro-reflective sheeting which limits the adverse effects of ultraviolet rays impinging on the

screen, as taught by Tanaka et al., to provide markings such as road signs and number plates to enable the transmission of accurate information.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Logan Jr. et al. teaches an electro-luminescent lamp and a brightness monitor. Hunte teaches a photosensitive illuminating display. Wu et al. teaches a visual display. Ahmed teaches an optical shutter. Spencer et al. teaches reflecting and luminous layered material. Hjaltason teaches an illuminated sign and sign plate. Weiss et al. teaches an electronic illuminated house sign. Golding teaches an address illumination assembly. Johnson teaches an illuminated sign. Bahrton teaches an evacuation sign. Bradford teaches a sign panel. Moine teaches a self-illuminating sign. Ushida et al. teaches an indicator.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Royal whose telephone number is 571-272-6652. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



P. Royal
6/21/2005

Paul Royal
Examiner
Art Unit 3611



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